

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JAMES E. SHELTON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

COMMITTEE FOR POLICE OFFICERS
DEFENSE PAC

Defendant.

Case No. 24-4679

JURY TRIAL DEMANDED

DECLARATION OF JAMES E. SHELTON

1. My name is James E. Shelton. I am over 18 years old. I can testify competently to the undersigned statements.

2. I have listened to the recording of the call at issue which I created and which is the subject of the Defendant's counterclaim. A true and correct copy of the recording itself will be submitted to the Court as the Court directs.

3. I distinctly remember saying that the call was being recorded at the beginning of the call.

4. Indeed, to that end, the recording picks up me saying that "the call is being recorded," but the transcriptionist mis-transcribed this portion of the call, as I was talking over the robot. I did not notice this transcription error until I reviewed both the transcript after Defendant filed its counterclaim and listened to the recording again.

5. Moreover, the robot itself stated that the call was a "recorded call."

6. Nevertheless, the recording also reflects periodic beep tones, indicating that the call is being recorded, which is not reflected in the transcript, but is reflected in the recording.

7. By proceeding on the call, all parties consented to recording, including me.

8. I also made the instant recording because I received the pre-recorded robocall in violation of the TCPA.

9. I created the recording based upon my good faith belief that this conduct of recording a prerecorded robocall fell under an exemption to WESCA, specifically, 18 PA. CONS. STAT. § 5704(19), which permits me to record such calls for the purposes of enforcing the TCPA and state telemarketing law.

10. When I created the recording, I was under a good faith belief that I was recording an “individual or entity that initiates robocalls” pursuant to WESCA’s statutory exemption and with the express purpose of enforcing the TCPA.

11. The purpose of my making the recording was to enforce the Telephone Consumer Protection Act, as demonstrated through this lawsuit.

12. I did not use a “electronic, mechanical or other device” to record the call.

13. The recording I made of the call at issue in this case was recorded by my cell phone.

14. To be clear, I did not use another cell phone, device, recorder, tape recorder, microphone, or any sort of external hookup to record the call. The call at issue was recorded using the phone that received the call.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 22nd day of May, 2025

James E. Shelton
James E. Shelton (May 22, 2025 20:08 EDT)

James E. Shelton